

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ISRAEL MALDONADO-RAMIREZ,

Plaintiff,

v.

KHALE, GUZMAN, ALVAREZ,

Defendants.

Case No. 1:22-cv-01653-ADA-HBK (PC)

CLERK TO CLOSE CASE BASED UPON
PLAINTIFF'S CONSTRUED NOTICE OF
VOLUNTARY DISMISSAL UNDER FED. R.
CIV. P. 41 (a)(1)(A)(i)


(Doc. No. 21)

On June 6, 2023, the Plaintiff filed pleading titled "motion to dismiss." (Doc. No. 21, "Pleading"). In the Pleading, Plaintiff states "I no longer want to prosecut[e] the lawsuit..." (*Id.*). The pleading is signed and was dated by Plaintiff on June 3, 2023." (*Id.*). Notably, no defendant has been served and no answer nor motion for summary judgment has been filed. *See* docket. Thus, the Court construes Plaintiff's Pleading as a notice of voluntary dismissal. *See* Fed. R. Civ. P. 41(a)(1)(A)(i). Because no defendant has been served and no answer nor motion for summary judgment has been filed, Plaintiff may voluntarily dismiss this action by operation of law without further order from the Court. *Id.* Moreover, because the Pleading is silent as to whether Plaintiff voluntarily dismisses the action with, or without prejudice, the Court construes the dismissal to be without prejudice. Fed. R. Civ. P. 41(a)(1)(B).

1 ACCORDINGLY:

2 The Clerk of Court is directed to vacate all deadlines and CLOSE this case to reflect
3 Plaintiff's construed notice of voluntary dismissal without prejudice consistent with Fed. R. Civ.
4 P. 41(a)(1)(A)(i).

5
6 Dated: June 8, 2023


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE